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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 58269.00004
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 09/863,318 Filed: May 24, 2001 First Named Inventor: Jason FAN Art Unit: 2141 Examiner: Kenneth R. Coulter

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed

☒ Attorney or agent of record.
Registration No. 54,749

☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____

Signature

Majid S. Albassam

Typed or printed name

703-720-7898

Telephone number

August 28, 2006

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jason FAN et al.

Art Unit: 2141

Application No.: 09/863,318

Examiner: Kenneth R. Coulter

Filed: May 24, 2001

Attorney Dkt. No.: 58269.00004

For: METHOD AND APPARATUS OF INTER-CHIP BUS SHARED BY MESSAGE
PASSING AND MEMORY ACCESS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 28, 2006

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-12 in the above identified application. Claims 1-12 were finally rejected in the Office Action dated June 2, 2006. Applicants filed a Response to the Final Office Action on July 27, 2006, and the Office issued an Advisory Action dated August 8, 2006 maintaining the final rejections of claims 1-12. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The final Office Action rejected claims 1-12 under 35 U.S.C. §102(e) as being anticipated by Toga (U.S. Patent No. 6,832,256). Applicants respectfully submit that

Toga fails to disclose or suggest all of the elements of the claims, and, therefore, the rejection is clearly improper and without basis.

For example, Applicants respectfully assert that Toga does not disclose or suggest a first switch and a second switch that monitor “said memory/command bus and interprets information written to said first memory address as proxy information,” as recited in claim 1. Similarly, Toga fails to disclose or suggest “a monitor being connected to said memory/command bus interface so that said monitor can monitor said memory/command bus and interpret information written to said designated memory address as proxy information,” as recited in claim 4. Toga also fails to disclose or suggest “monitoring of said memory/command bus by said first switch and said other switches; and interpreting said sending information written to said first address as proxy information,” as recited in claim 10.

Toga only discloses the use of a proxy 22, which the Office Action appears to interpret as corresponding to the proxy information of the present invention. Applicants respectfully disagree. Toga teaches that the proxy 22 is an element which actively monitors and interprets the protocol exchanges between the Internet. The proxy 22 of Toga looks at session information and specific commands used during the protocol exchange, and determines completion decisions about whether to allow the command to complete based upon the information within the protocol (Toga, Column 3, lines 16-20). However, the proxy 22 of Toga does not correspond to the proxy information of the present invention, as will be discussed below.

According to an embodiment of the claimed invention, as illustrated in Figure 5, the memory/command bus 530 may be used to send commands between switch 510 and switch 520 during a write to ATM memory 535. Information or commands are written to a specific address A in ATM memory 535 during write cycles. Switches 510 and 520 will recognize write operations to address A as a command during a write cycle. Information written to address A is called proxy information, which is defined as information written to memory that is not interpreted by a switch as information being written to memory. Instead, the switch interprets proxy information being written to memory as commands, status information that a switch may use to set a register or LED, or other types of information not typically written to memory (Specification, paragraphs 0065-0067).

For at least the reasons discussed above, Applicants respectfully assert that Toga does not disclose or suggest that information written to memory may be interpreted as proxy information, and therefore does not disclose or suggest a switch or monitor that interprets information written to a memory address as proxy information. In fact, Toga makes no mention of switches that monitor a memory/command bus. Furthermore, the proxy 22 of Toga does not correspond to the proxy information of the present invention. Therefore, Toga fails to disclose or suggest all of the elements of claims 1, 4, and 10. Accordingly, Applicants respectfully request that the rejection of claims 1, 4, and 10 be withdrawn.

Additionally, claims 2-3, 5-9, and 11-12 are dependent upon claims 1, 4, and 10, respectively. Thus, claims 2-3, 5-9, and 11-12 should also be allowed for at least their dependence upon claims 1, 4, and 10, and for the specific limitations recited therein.

Applicants, therefore, respectfully submit that the rejection of the present claims as being anticipated by Toga is an improper rejection that is without basis. As such, reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Majid S. AlBassam
Registration No. 54,749

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

MSA:jf

Enclosures: PTO/SB/33 Form
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